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HUMAN RIGHTS QUESTIONS

IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Report of the Third Committee (Part II)*

Rapporteur: Ms. Rosemary SEMAFUMU (Uganda)

II. CONSIDERATION OF PROPOSALS

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

DD. Draft resolutions A/C.3/46/L.61 and Rev.1

1. At the 54th meeting, on 27 November 1991, the representative of the United States of America, on behalf of Argentina, Belarus, Belgium, Bulgaria, Costa Rica, Czechoslovakia, El Salvador, Haiti, Honduras, Hungary, Italy, Luxembourg, Malta, the Marshall Islands, Norway, Romania, Ukraine, the Union

* The report of the Committee on this item will be issued in two parts (see also A/46/721).

of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, subsequently joined by Panama, introduced a draft resolution (A/C.3/46/L.61) entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", which read as follows:

"The General Assembly,

"Recalling its resolutions 45/150 of 18 December 1990, 44/146 of 15 December 1989 and 43/157 of 8 December 1988, as well as Commission on Human Rights resolution 1989/51 of March 1989, 1/

"Taking note of the report of the Secretary-General 2/ on enhancing the effectiveness of the principle of periodic and genuine elections,

"Aware of its obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to promote and encourage respect for human rights and fundamental freedoms for all,

"Reaffirming the Universal Declaration of Human Rights, 3/ which provide that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government, and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

"Noting that the International Covenant on Civil and Political Rights 4/ provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have

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1/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

2/ A/46/609 and Corr.1 and Add.1 and 2.

3/ Resolution 217 A (III).

4/ See resolution 2200 A (XXI), annex.

access, on general terms of equality, to public service in his or her country,

"Condemning the system of apartheid and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"Recalling that, pursuant to Article 2 of the Charter, all States enjoy sovereign equality and that each State, in accordance with the will of its people, has the right freely to choose and develop its political, social, economic and cultural systems,

"Recognizing that there is no single political system or electoral method that is equally suited to all nations and their people,

"Noting with appreciation the various technical assistance and advisory services which the Centre for Human Rights and the Department of Technical Cooperation for Development of the United Nations Secretariat and the United Nations Development Programme are providing to Member States, at their request, in their transition towards democracy, and invites those bodies to continue and intensify these efforts as requested,

"Taking note of the electoral assistance which the Organization is providing to Member States at their request,

"Recognizing that the designation of a Coordinator for Electoral Matters would enhance the capability of the Organization to respond effectively to requests from Member States for electoral assistance, while retaining the necessary flexibility,

"1. Expresses its appreciation to the Secretary-General for his report on enhancing the effectiveness of the principle of periodic and genuine elections;

"2. Underscores the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;

"3. Stresses its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;

"4. Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to

become candidates and put forward their political views, individually and in cooperation with others, as provided in national constitutions and laws;

"5. Recognizes that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right, in accordance with the will of its people, freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States;

"6. Underscores the duty of each member of the international community to respect the decisions taken by other States in freely choosing and developing their electoral institutions;

"7. Reaffirms that apartheid must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

"8. Affirms the value of the electoral assistance that the United Nations has provided at the request of Member States, in the context of full respect for their sovereignty;

"9. Believes that the international community should continue to give serious consideration to ways in which the United Nations can respond to the requests of Member States as they seek to promote and strengthen their electoral institutions and procedures;

"10. Requests the Secretary-General to designate a senior United Nations official in his Offices as Coordinator for Electoral Matters who would carry out the functions set out in paragraph 81 of the Secretary-General's report;

"11. Determines that, as provided in paragraph 81 of the report, the Coordinator would neither pre-empt nor supersede ongoing arrangements regarding electoral assistance nor prejudice the operational arrangements for missions which the Organization may decide to undertake;

"12. Requests the Secretary-General, to allocate from within existing resources and as appropriate, a small number of staff and other resources to support the Coordinator for Electoral Matters in carrying out his or her functions;

"13. Commends the Centre for Human Rights for Development of the Secretariat and the United Nations Development Programme and the Department of Technical Cooperation for the technical electoral

assistance they have and are providing to requesting Member States, and requests that they collaborate closely with and inform the Coordinator for Electoral Matters of the assistance provided and activities undertaken by them in the area of electoral assistance;

"14. Asks the Secretary-General to notify the competent organ of the United Nations upon receipt of official requests for electoral verification, and upon the direction of that organ, provide appropriate assistance;

"15. Requests the Secretary-General to establish a voluntary trust fund to finance electoral assistance missions in cases where the requesting Member State is unable to do so in whole or in part and to develop guidelines for disbursements therefrom;

"16. Affirms the effectiveness of, and the need for coordination with regional organizations and other relevant entities having international electoral assistance experience;

"17. Requests the Secretary-General, in accordance with paragraph 82 of his report, to make recommendations to the General Assembly at its forty-seventh session regarding guidelines and terms of reference for United Nations electoral involvement;

"18. Also requests the Secretary-General to report to the Assembly at its forty-seventh session on the implementation of the present resolution and on the Organization's experience in providing electoral assistance to Member States as well as the nature and disposition of the requests from Member States under the item entitled 'Human rights questions'."

2. At the 57th meeting, on 9 December, the representative of the United States of America, on behalf of Argentina, Belarus, Belgium, Bulgaria, Costa Rica, Czechoslovakia, El Salvador, Guinea-Bissau, Haiti, Honduras, Hungary, Italy, Luxembourg, Malta, the Marshall Islands, Norway, Panama, Poland, Romania, Ukraine, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a revised draft resolution (A/C.3/46/L.61/Rev.1) entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", which read as follows:

"The General Assembly,

"Recalling its resolutions 44/146 of 15 December 1989 and 45/150 of 18 December 1990, as well as Commission on Human Rights resolution 1989/51 of 7 March 1989, 5/

5/ Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

"Having considered the report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections, 6/

"Aware of its obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to promote and encourage respect for human rights and fundamental freedoms for all,

"Reaffirming the Universal Declaration of Human Rights, 7/ which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

"Noting that the International Covenant on Civil and Political Rights 8/ provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have access, on general terms of equality, to public service in his or her country,

"Condemning the system of apartheid and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"Recalling that, under the Charter, all States enjoy sovereign equality and that each State, in accordance with the will of its people, has the right freely to choose and develop its political, social, economic and cultural systems,

"Recognizing that there is no single political system or electoral method that is equally suited to all nations and their people and that

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6/ A/46/609 and Add.1 and 2.

7/ Resolution 217 A (III).

8/ See resolution 2200 A (XXI), annex.

the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right, in accordance with the will of its people, freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States,

"Noting with appreciation the various technical assistance and advisory services that the Centre for Human Rights and the Department of Technical Cooperation for Development of the Secretariat and the United Nations Development Programme are providing to Member States, at their request, and inviting those bodies to continue and intensify these efforts as requested,

"Taking note of the electoral assistance provided to Member States at their request by the Organization,

"Affirming that electoral verification by the United Nations should remain an exceptional activity of the Organization to be undertaken in well-defined circumstances, inter alia, primarily in situations with a clear international dimension,

"Taking note of the criteria contained in paragraph 79 of the Secretary-General's report 9/ which ought to be met before agreeing to requests for electoral verification,

"1. Takes note with appreciation of the report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections;

"2. Underscores the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;

"3. Stresses its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;

"4. Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to

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9/ A/46/609.

become candidates and put forward their political views, individually and in cooperation with others, as provided in national constitutions and laws;

"5. Underscores the duty of each Member State, in accordance with the provisions of the Charter of the United Nations, to respect the decisions taken by other States, in accordance with the will of their people, in freely choosing and developing their electoral institutions;

"6. Reaffirms that apartheid must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

"7. Affirms the value of the electoral assistance that the United Nations has provided at the request of Member States, in the context of full respect for their sovereignty;

"8. Believes that the international community should continue to give serious consideration to ways in which the United Nations can respond to the requests of Member States as they seek to promote and strengthen their electoral institutions and procedures;

"9. Endorses the Secretary-General's view that he should designate a senior official in the Offices of the Secretary-General to act as focal point, in addition to existing duties and in order to ensure consistency in the handling of requests, who would assist the Secretary-General to coordinate and consider requests for electoral verification and to channel requests for electoral assistance to the appropriate office or programme, to ensure careful consideration of requests for electoral verification, to build on experience gained to develop an institutional memory, to develop and maintain a roster of international experts who could provide technical assistance as well as assist in the verification of electoral processes and to maintain contact with regional and other intergovernmental organizations to ensure appropriate working arrangements with them and the avoidance of duplication of efforts and requests the Secretary-General to designate such an official to take on these tasks;

"10. Determines that the designation of the senior official would neither pre-empt nor supersede ongoing arrangements regarding electoral assistance nor prejudice the operational arrangements for missions that the Organization may decide to undertake;

"11. Requests the Secretary-General to allocate from within existing resources and, as appropriate, a small number of staff and other resources to support the designated senior official in carrying out his or her functions;

"12. Commends the Centre for Human Rights and the Department of Technical Cooperation for Development of the Secretariat and the United Nations Development Programme for the technical electoral assistance they have and are providing to requesting Member States and requests that they collaborate closely with and inform the senior official designated by the Secretary-General of the assistance provided and activities undertaken by them in the area of electoral assistance;

"13. Asks the Secretary-General to notify the competent organ of the United Nations upon receipt of official requests by a Member State for electoral verification and, upon the direction of that organ, to provide appropriate assistance;

"14. Requests the Secretary-General to estabish, in accordance with United Nations financial regulations, a voluntary trust fund for cases where the requesting Member State is unable to finance, in whole or in part, the electoral verification mission and to propose guidelines for disbursements therefrom;

"15. Affirms the effectiveness of and the need for coordination with intergovernmental organizations, including regional organizations having international electoral assistance experience;

"16. Commends the efforts of non-governmental organizations that have provided electoral assistance at the request of the Member State concerned;

"17. Invites those Member States that have not responded to the Secretary-General's request pursuant to paragraph 10 of resolution 45/150 to submit views concerning suitable approaches that will permit the Organization to respond to the requests of Member States for electoral assistance, to do so in order that the Secretary-General can include these views in his next report to the General Assembly;

"18. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution on the Organization's experience in and recommendations for providing electoral assistance to Member States, on the detailed guidelines and terms of reference being developed for United Nations electoral involvement and on the nature and disposition of the requests from Member States under the item entitled 'Human rights questions'."

3. In introducing draft resolution A/C.3/46/L.61/Rev.1, the representative of the United States of America orally revised it, as follows:

(a) In the ninth preambular paragraph, the words ", including those in transition to democracy" were to be inserted after the words "are providing to Member States";

(b) Operative paragraph 11, which had read:

"Requests the Secretary-General to allocate from within existing resources and, as appropriate, a small number of staff and other resources to support the designated senior official in carrying out his or her functions",

was to be replaced by the following text, reading:

"Requests the Secretary-General to allocate, whenever appropriate, and within existing resources, a small number of staff and other resources to support the designated senior official in carrying out his or her functions".

4. The Committee had before it a statement (A/C.3/46/L.69) submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly on the programme budget implications of the draft resolution (A/C.3/46/L.61/Rev.1).

5. Subsequently, Chile and Paraguay joined in sponsoring the revised draft resolution.

6. At the same meeting, the representative of Morocco orally proposed an amendment to the orally revised draft resolution, as follows:

(a) The ninth preambular paragraph was to be replaced by the following text:

"Noting with appreciation the advisory services provided by the Centre for Human Rights, as well as the technical assistance that the Department of Technical Cooperation for Development of the Secretariat and the United Nations Development Programme are providing to Member States, at their request, and inviting those bodies to continue and intensify these efforts as requested";

(b) In operative paragraph 18, the word "requesting" was to be inserted between the words "assistance to" and "Member States".

7. Statements were made by the representatives of France, Cuba, Saudi Arabia, Argentina, Colombia, the United States of America, Morocco and the Chairman of the Committee.

8. At the 58th meeting, on 10 December, the representative of Cuba introduced document A/C.3/46/L.71, containing proposed amendments to the revised draft resolution (A/C.3/46/L.61/Rev.1), which read as follows:

"1. In the seventh preambular paragraph, delete the phrase ', in accordance with the will of its people,'.

"2. After the seventh preambular paragraph, insert the following two preambular paragraphs:

'Also recalling the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which establishes that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter',

'Recognizing that the holding of elections is a matter falling within the domestic jurisdiction of States,'.

"3. In the first line of the eleventh preambular paragraph, replace the word "verification" by the word 'assistance'.

"4. Add a new paragraph after the last preambular paragraph, reading:

'Taking into account that most of the Member States that replied opposed the establishment of a new United Nations structure to verify elections or provide electoral assistance as is recognized in paragraph 80 of the Secretary-General's report,'.

"5. In operative paragraph 1, delete the words 'with appreciation' after the words 'Takes note'.

"6. In operative paragraph 5, delete the phrase ', in accordance with the will of their people,'.

"7. Replace operative paragraphs 9 to 16 by the following two paragraphs:

'9. Requests the Secretary-General to prepare suggestions on the criteria that ought to be met in the consideration of requests from Member States for electoral assistance based on the opinions of Member States in this regard;

'10. Invites Member States to carry out informal consultations on the proposals presented by the Secretary-General in his report for the due consideration of the General Assembly at its forty-seventh session, under the coordination of the Chairman of the Third Committee.'

9. At the same meeting, the representative of the United States of America made a statement and further orally revised the draft resolution, as follows:

(a) The ninth preambular paragraph was revised to read:

"Noting with appreciation the advisory services and technical assistance provided by the Centre for Human Rights as well as the technical assistance provided by the Department of Technical Cooperation for Development of the Secretariat and the United Nations Development Programme to some Member States, including those in transition to democracy, at their request, and inviting those bodies to continue and intensify these efforts as requested";

(b) In operative paragraph 7, the word "some" was inserted before the words "Member States";

(c) In operative paragraph 9, after the words "handling of requests" the words "of Member States organizing elections" were inserted;

(d) Operative paragraph 12 was revised to read as follows:

"12. Commends the Centre for Human Rights for the advisory services and technical assistance as well as the Department of Technical Cooperation for Development of the Secretariat and the United Nations Development Programme for the technical assistance that they have and are providing to requesting Member States, and requests that they collaborate closely with and inform the senior official designated by the Secretary-General of the assistance provided and activities undertaken by them in the area of electoral assistance."

10. At the 59th meeting, on 10 December, the representative of Cuba made a statement, in the course of which he revised the amendments contained in document A/C.3/46/L.71, as follows:

(a) The first amendment was to be deleted;

(b) The fourth amendment was deleted and replaced with the following text:

"Noting that the establishment of a new United Nations structure to verify elections or provide electoral assistance has not been proposed";

(c) The fifth and sixth amendments were deleted.

11. Statements were made by the representatives of Morocco and Australia.

12. The representative of Cuba also spoke on a point of clarification.

13. At the same meeting, the representative of Luxembourg moved, under rule 116 of the rules of procedure of the General Assembly, that no action be taken on the amendments proposed by the representative of Cuba.

14. The representative of Cuba spoke against the motion, while the representatives of El Salvador and Ukraine spoke in favour of the motion.

15. Statements were made by the representatives of Cuba and Morocco on a point of order.

16. At the same meeting, the Committee approved the motion by a recorded vote of 61 to 22, with 33 abstentions. The voting was as follows:

In favour: Albania, Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Central African Republic, Chile, Costa Rica, Czechoslovakia, Denmark, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Germany, Greece, Grenada, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Netherlands, New Zealand, Niger, Norway, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Republic of Korea, Romania, Singapore, Spain, Suriname, Swazilalnd, Sweden, Togo, Turkey, Ukraine, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Angola, Burkina Faso, China, Cuba, Democratic People's Republic of Korea, Ghana, Iraq, Jordan, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Namibia, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Yemen, Zimbabwe.

Abstaining: Antigua and Barbuda, Bangladesh, Barbados, Belize, Bolivia, Brazil, Colombia, Cyprus, Dominica, Dominican Republic, Ecuador, Guyana, India, Indonesia, Lesotho, Liberia, Malaysia, Mali, Mexico, Nepal, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Saint Kitts and Nevis, Sri Lanka, Thailand, Trinidad and Tobago, Uruguay, Vanuatu, Venezuela, Yugoslavia.

17. The Committee then proceeded to hear statements by the representatives of Colombia, Panama, Mexico, Cuba, Algeria, Libyan Arab Jamahiriya, Côte d'Ivoire, Malaysia, Pakistan and Indonesia in explanation of vote before the vote on draft resolution A/C.3/46/L.61/Rev.1, as orally revised.

18. The representative of Australia indicated that he would join in sponsoring the revised draft resolution.

19. The Committee was informed that Haiti should be omitted from the list of sponsors of the revised draft resolution.

20. At the same meeting, the Committee adopted draft resolution A/C.3/46/L.61/Rev.1, as orally revised, by a recorded vote of 115 to 3, with

15 abstentions (see para. 28, draft resolution I). The voting was as follows: 10/

In favour: Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Kitts and Nevis, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Cuba, Democratic People's Republic of Korea, Kenya.

Abstaining: Angola, China, Colombia, Ghana, Indonesia, Iraq, Lao People's Democratic Republic, Malaysia, Mexico, Philippines, Sudan, Uganda, Vanuatu, Viet Nam, Zimbabwe.

21. Statements in expalnation of vote after the vote were made by the representatives of China, Japan, the Sudan, Germany, Sweden, the Philippines and Egypt.

(c) Human rights situations and reports of special rapporteurs and representatives

EE. Draft resolutions A/C.3/46/L.64 and Rev.1

22. At the 54th meeting, on 27 November, the representative of Venevuela, on behalf of Argentina, Belgium, Bolivia, Brazil, Canada, Chile, Costa Rica, Denmark, Ecuador, El Salvador, France, Germany, Greece, Guatemala, Honduras,

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10/ Subsequently, the representative of Qatar indicated that had he been present he would have voted in favour of the revised draft resolution.

Hungary, Ireland, Italy, Jamaica, Luxembourg, Mexico, the Netherlands, Nicaragua, Norway, Peru, Portugal, Spain, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Vanuatu and Venezuela, introduced a draft resolution (A/C.3/46/L.64) entitled "Human rights in Haiti", which read as follows:

"The General Assembly,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 11/ and the International Covenants on Human Rights, 12/

"Reaffirming that all Member States are required to promote and protect human rights and to comply with the obligations laid down in the various instruments in this field,

"Taking note of Commission on Human Rights resolution 1991/77 of 6 March 1991 on the situation of human rights in Haiti, 13/

"Deeply concerned at the grave events occurring in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the violation of human rights and the loss of human lives,

"1. Reaffirms its resolution 46/7 of 11 October 1991 concerning the situation of democracy and human rights in Haiti;

"2. Vigorously condemns the perpetration of the seditious acts that led to the illegal replacement of President Jean-Bertrand Aristide, with the consequent use of violence and military coercion and the subsequent violation of human rights in that country;

"3. Expresses its grave concern at the human rights violations committed by the illegal Government set up following the 29 September 1991 coup in that country;

"4. Condemns the acts of repression carried out by the illegal Government against the popular demonstrations held in response to the military coup, which have resulted in arbitrary detentions and murders;

11/ Resolution 217 A (III).

12/ See resolution 2200 A (XX), annex.

13/ See Official Records of the Economic and Social Council, Supplement No. 2 (E/1991/22), chap. II, sect. A.

"5. Expresses its concern at the massive exodus of Haitian nationals who are leaving the country and urges that every effort be made to ensure respect for their human rights and fundamental freedoms;

"6. Expresses its appreciation for the work done by the Office of the United Nations High Commissioner for Refugees;

"7. Requests the Commission on Human Rights at its forty-eighth session to examine the report of the independent expert 14/ appointed by the Secretary-General to review the situation of human rights in Haiti, in the light of the events of 29 September 1991 and subsequent developments;

"8. Requests Member States to support the mandates resulting from resolutions MRE/RES.1/91 of 2 October 1991 and MRE/RES.2/91 of 8 October 1991, adopted by the Ministers for Foreign Affairs of the countries members of the Organization of American States. 15/

23. Subsequently, Benin, Finland, Japan, Panama, Samoa and Sweden joined in sponsoring the draft resolution.

24. At the 57th meeting, on 9 December, the representative of Venezuela, on behalf of Argentina, Belgium, Benin, Bolivia, Brazil, Canada, Chile, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Ireland, Italy, Jamaica, Japan, Luxembourg, Mexico, the Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Samoa, Spain, Suriname, Sweden, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu and Venezuela, introduced a revised draft resolution (A/C.3/46/L.64/Rev.1) entitled "Human rights in Haiti". Subsequently, Barbados joined in sponsoring the revised draft resolution.

25. At the 58th meeting, on 10 December, the Committee adopted draft resolution A/C.3/46/L.64/Rev.1 without a vote (see para. 28, draft resolution II).

26. After the adoption of the draft resolution, the representative of the United States of America made a statement.

27. On the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the reports considered under the item entitled "Human rights questions" and contained in documents A/46/46, A/46/473, A/46/616 and Corr.1, A/46/401 and A/46/446 (see para. 29).

14/ E/CN.4/1991/33 and Add.1.

15/ S/23109, annex and A/46/550-S/23127, annex.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

28. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Enhancing the effectiveness of the principle of periodic and genuine elections

The General Assembly,

Recalling its resolutions 44/146 of 15 December 1989 and 45/150 of 18 December 1990, as well as Commission on Human Rights resolution 1989/51 of 7 March 1989, 16/

Having considered the report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections, 17/

Aware of its obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to promote and encourage respect for human rights and fundamental freedoms for all,

Reaffirming the Universal Declaration of Human Rights, 18/ which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

Noting that the International Covenant on Civil and Political Rights 19/ provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or

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16/ Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

17/ A/46/609 and Add.1 and 2.

18/ Resolution 217 A (III).

19/ See resolution 2200 A (XXI), annex.

through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have access, on general terms of equality, to public service in his or her country,

Condemning the system of apartheid and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, under the Charter, all States enjoy sovereign equality and that each State, in accordance with the will of its people, has the right freely to choose and develop its political, social, economic and cultural systems,

Recognizing that there is no single political system or electoral method that is equally suited to all nations and their people and that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right, in accordance with the will of its people, freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States,

Noting with appreciation the advisory services and technical assistance provided by the Centre for Human Rights as well as the technical assistance provided by the Department of Technical Cooperation for Development of the Secretariat and the United Nations Development Programme to some Member States, including those in transition to democracy, at their request, and inviting those bodies to continue and intensify these efforts as requested,

Taking note of the electoral assistance provided to Member States at their request by the Organization,

Affirming that electoral verification by the United Nations should remain an exceptional activity of the Organization to be undertaken in well-defined circumstances, inter alia, primarily in situations with a clear international dimension,

Taking note of the criteria contained in paragraph 79 of the Secretary-General's report 20/ which ought to be met before agreeing to requests for electoral verification,

1. Takes note with appreciation of the report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections;

20/ A/46/609 and Corr.1.

2. Underscores the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;

3. Stresses its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;

4. Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in cooperation with others, as provided in national constitutions and laws;

5. Underscores the duty of each Member State, in accordance with the provisions of the Charter of the United Nations, to respect the decisions taken by other States, in accordance with the will of their people, in freely choosing and develop .g their electoral institutions;

6. Reaffirms that apartheid must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

7. Affirms the value of the electoral assistance that the United Nations has provided at the request of some Member States, in the context of full respect for their sovereignty;

8. Believes that the international community should continue to give serious consideration to ways in which the United Nations can respond to the requests of Member States as they seek to promote and strengthen their electoral institutions and procedures;

9. Endorses the Secretary-General's view that he should designate a senior official in the Offices of the Secretary-General to act as focal point, in addition to existing duties and in order to ensure consistency in the handling of requests of Member States organizing elections, who would assist the Secretary-General to coordinate and consider requests for electoral verification and to channel requests for electoral assistance to the appropriate office or programme, to ensure careful consideration of requests for electoral verification, to build on experience gained to develop an institutional memory, to develop and maintain a roster of international experts who could provide technical assistance as well as assist in the verification of electoral processes and to maintain contact with regional and

other intergovernmental organizations to ensure appropriate working arrangements with them and the avoidance of duplication of efforts, and requests the Secretary-General to designate such an official to take on these tasks;

10. Determines that the designation of the senior official would neither pre-empt nor supersede ongoing arrangements regarding electoral assistance nor prejudice the operational arrangements for missions that the Organization may decide to undertake;

11. Requests the Secretary-General to allocate whenever appropriate, and within existing resources, a small number of staff and other resources to support the designated senior official in carrying out his or her functions;

12. Commends the Centre for Human Rights for the advisory services and technical assistance as well as the Department of Technical Cooperation for Development of the Secretariat and the United Nations Development Programme for the technical assistance that they have and are providing to requesting Member States, and requests that they collaborate closely with and inform the senior official designated by the Secretary-General of the assistance provided and activities undertaken by them in the area of electoral assistance;

13. Requests the Secretary-General to notify the competent organ of the United Nations upon receipt of official requests by a Member State for electoral verification and, upon the direction of that organ, to provide appropriate assistance;

14. Also requests the Secretary-General to establish, in accordance with United Nations financial regulations, a voluntary trust fund for cases where the requesting Member State is unable to finance, in whole or in part, the electoral verification mission and to propose guidelines for disbursements therefrom;

15. Affirms the effectiveness of and the need for coordination with intergovernmental organizations, including regional organizations having international electoral assistance experience;

16. Commends the efforts of non-governmental organizations that have provided electoral assistance at the request of the Member State concerned;

17. Invites those Member States which have not responded to the Secretary-General's request in paragraph 10 of its resolution 45/150 to submit views concerning suitable approaches that will permit the Organization to respond to the requests of Member States for electoral assistance, to do so in order that the Secretary-General can include these views in his next report to the General Assembly;

18. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution, on the Organization's experience in and recommendations for providing electoral

assistance to requesting Member States, on the detailed guidelines and terms of reference being developed for United Nations electoral involvement and on the nature and disposition of the requests from Member States, under the item entitled "Human rights questions".

DRAFT RESOLUTION II

Human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 18/ and the International Covenants on Human Rights, 19/

Reaffirming that all Member States are required to promote and protect human rights and to comply with the obligations laid down in the various instruments in this field,

Taking note of Commission on Human Rights resolution 1991/77 of 6 March 1991 on the situation of human rights in Haiti, 21/

Deeply concerned at the grave events occurring in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the violation of human rights and the loss of human lives,

Concerned also at the current mass exodus of Haitian nationals leaving the country because of the deteriorating political and economic situation since 29 September 1991,

Noting the unanimous declaration on Haiti adopted by the Permanent Council of the Organization of American States on 22 November 1991, and the subsequent dispatch by the Inter-American Commission on Human Rights of an investigating team to Haiti on 4 December 1991,

1. Reaffirms its resolution 46/7 of 11 October 1991 concerning the situation of democracy and human rights in Haiti;

2. Strongly condemns the overthrow of the constitutionally elected President, Jean-Bertrand Aristide, and the use of violence and military coercion and the subsequent violation of human rights in that country;

3. Condemns also the flagrant human rights violations committed under the illegal Government set up following the coup of 29 September 1991,

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21/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

particularly summary executions, arbitrary arrests and detentions, torture, searches without warrant, rape, ransacking of private and public buildings, restrictions on the freedoms of movement, expression, assembly and association and the repression of popular demonstrations calling for the return of President Jean-Bertrand Aristide;

4. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in favour of the Haitian nationals fleeing the country and invites Member States to continue giving financial and material support for these efforts;

5. Calls the attention of the international community to the fate of the Haitian nationals who are fleeing the country and requests its support for the efforts undertaken to assist them;

6. Requests the Commission on Human Rights at its forty-eighth session to consider the report of the independent expert appointed by the Secretary-General to review the situation of human rights in Haiti, and invites the independent expert to submit an updated report to the Commission in the light of the events of 29 September 1991 and subsequent developments.

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29. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered under the item entitled "Human rights questions"

The General Assembly takes note of the following documents:

(a) Report of the Committee against Torture; 22/

(b) Report of the Secretary-General on torture and inhuman treatment of children in detention in South Africa; 23/

(c) Report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections; 24/

22/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 46 (A/46/46).

23/ A/46/473.

24/ A/46/616 and Corr.1.

(d) Note by the Secretary-General transmitting the preliminary report on the situation of human rights in South Africa prepared by the Ad Hoc Working Group of Experts on Southern Africa; 25/

(e) Note by the Secretary-General on the situation of human rights in southern Lebanon. 26/

25/ A/46/401.

26/ A/46/446.

UNITED
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Agenda item 98

HUMAN RIGHTS QUESTIONS

IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Report of the Third Committee (Part II)

Rapporteur: Ms. Rosemary SEMAFUMU (Uganda)

Corrigendum

Paragraph 2 of document A/46/721/Add.1, should read in part as follows:

At the 57th meeting, on 9 December, the representative of the United States of America, on behalf of Argentina, Belarus, Belgium, Bulgaria, Costa Rica, Czechoslovakia, El Salvador, France, Grenada, Guinea-Bissau, Haiti, Honduras, Hungary, Italy, Luxembourg, Malta, the Marshall Islands, the Netherlands, Norway, Panama, Poland, Portugal, Romania, Turkey, Ukraine, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a revised draft resolution (A/C.3/46/L.61/Rev.1), entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", which read as follows:

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